

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA</p> <p>2</p> <p>3 MICHAEL W. HILL, et al., : C.A. No. 05-160 Erie Plaintiff : C.A. No. 03-323 Erie 4 : C.A. No. 03-355 Erie v. : C.A. No. 03-368 Erie 5 : C.A. No. 04-011 Erie JOHN J. LAMANNA, et al., : 6 Defendants :</p> <p>7</p> <p>8</p> <p>9 Video Conference Deposition of JOHN J. LAMANNA, taken before and by Janis L. Ferguson, Notary Public in and for the Commonwealth of Pennsylvania, 10 on Wednesday, December 6, 2006, commencing at 1:01 p.m., at the offices of the United States 11 Attorney, 17 South Park Avenue, Suite A330, Erie, Pennsylvania 16501.</p> <p>12</p> <p>13</p> <p>14</p> <p>15 For the Plaintiffs: Neal R. Devlin, Esquire 16 Knox McLaughlin Gornall & Sennett, PC 120 West 10th Street Erie, PA 16501 17</p> <p>18 For the Defendants: Michael C. Colville, Esquire, AUSA 19 Office of the United States Attorney 700 Grant Street, Suite 4000 Pittsburgh, PA 15219 20 Douglas Goldring, Esquire Federal Prison Industries (UNICOR) 21 400 First Street NW Washington, DC 20534</p> <p>22</p> <p>23</p> <p>24 Reported by Janis L. Ferguson, RPR Ferguson & Holdnack Reporting, Inc.</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 JOHN J. LAMANNA, first having 2 been duly sworn, testified as follows:</p> <p>3</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. DEVLIN:</p> <p>6</p> <p>7 Q. Warden Lamanna, my name is Neal Devlin, and I and 8 my firm represent a number of prisoners in some lawsuits in 9 which you were named as a Defendant along with several other 10 Defendants. Those lawsuits generally involve allegations 11 regarding the UNICOR facility that was operated at FCI 12 McKean, as well as Michael Hill's case involves a dental 13 claim related to some dental treatment he received at FCI 14 McKean.</p> <p>15 Obviously, we're conducting this deposition by a 16 video hookup. It's my understanding that as I'm speaking, 17 you should be able to see me. If Attorneys Colville or 18 Goldring raise objections or speak, you should be able to 19 see them. And when you're speaking, I should be able to see 20 you.</p> <p>21 I bring that up because the only -- the only real 22 difficulty this hookup has had is the delay associated with 23 when I say something and when you hear it. It could lead to 24 us talking over one another. If that happens, or -- well, 25 to try to avoid that, I will try my best to put a pause at</p>
<p style="text-align: right;">Page 2</p> <p>1 INDEX</p> <p>2</p> <p>3 TESTIMONY OF JOHN J. LAMANNA</p> <p>4 Direct examination by Mr. Devlin 3</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 the end of all my questions, and I would ask that when 2 you're done answering, you pause for what will probably seem 3 like a little bit longer than you otherwise would have to, 4 just so I'm sure you're done answering.</p> <p>5 If we do start talking over one another, I will 6 put my hand up to ask that we both stop, and then I'll jump 7 in and either ask you to continue your answer, or if I was 8 in the middle of a question, we'll ask that question, and 9 I'm sure we'll work it out.</p> <p>10 Other than that instruction, have you ever been 11 deposed before, Warden?</p> <p>12 A. Yes, I have.</p> <p>13 Q. Okay. So you're aware we'll need to have all of 14 your answers verbal. A nod of the head doesn't work, and 15 we'll try to stay away from uh-huh and huh-uh as much as 16 possible. Additionally, I'll do my best to make my 17 questions understandable, but I have no doubt that some of 18 them will not be. And so when that happens, just let me 19 know, and I'll be happy to rephrase the question and try to 20 make it so we're both getting at the same thing.</p> <p>21 If you give me an answer to a question, I'm going 22 to assume that you understood it and that you're giving me a 23 truthful and complete answer.</p> <p>24 And, finally, if for any reason you don't know the 25 answer to a question, I don't want you to guess or</p>

<p style="text-align: right;">Page 5</p> <p>1 speculate. Simply tell me that you don't know, and maybe</p> <p>2 we'll break it down a little bit more. And if you simply</p> <p>3 don't know, then you don't know, and that's fair enough.</p> <p>4 With those as the ground rules, can I just get</p> <p>5 your full name.</p> <p>6 A. John J. Lamanna.</p> <p>7 Q. And do you prefer Mr. Lamanna or Warden Lamanna?</p> <p>8 A. Either is fine.</p> <p>9 Q. Okay. Warden Lamanna, can you take me through</p> <p>10 your education, starting with high school and then taking me</p> <p>11 beyond that.</p> <p>12 A. Went to high school in New York City and also</p> <p>13 attended college in New York City.</p> <p>14 Q. Where -- what college did you attend in New York</p> <p>15 City?</p> <p>16 A. Bernard Baruch College.</p> <p>17 Q. And did you graduate from that college with a</p> <p>18 degree?</p> <p>19 A. No, I did not.</p> <p>20 Q. Warden, are you currently employed?</p> <p>21 A. Yes, I am.</p> <p>22 Q. Okay. And who is your current employer?</p> <p>23 A. Federal Bureau of Prisons, U.S. Department of</p> <p>24 Justice.</p> <p>25 Q. And what is your current job?</p>	<p style="text-align: right;">Page 7</p> <p>1 warden at FCC New York. October 1984 to July 1985, I was</p> <p>2 comptroller at FCI Otisville, New York. September 1983 to</p> <p>3 October 1984, I was the business manager at the federal</p> <p>4 prison camp in Boron, California. From August 1980 to</p> <p>5 September 1983, I was a purchasing agent, property</p> <p>6 management specialist at FCI Otisville, New York.</p> <p>7 Q. That's good, Warden. I appreciate that. I wanted</p> <p>8 to go back 20 years, and you did that for me, and I</p> <p>9 appreciate that.</p> <p>10 Can you generally describe for me, while you were</p> <p>11 warden at FCI McKean, what were your job duties? And I know</p> <p>12 that's a broad question, because I know -- I'm sure as a</p> <p>13 warden, you had a lot of job duties. But let's start with</p> <p>14 that, and then we can get more specific.</p> <p>15 A. Overall, I am responsible for the running and</p> <p>16 management of the Federal Correctional Institution and the</p> <p>17 camp.</p> <p>18 Q. Now, I am correct that there was what we</p> <p>19 referred -- what we have thus far referred in this lawsuit</p> <p>20 to as a UNICOR facility at FCI McKean? Is that correct?</p> <p>21 A. That is correct.</p> <p>22 Q. And is the UNICOR facility a part of the Bureau of</p> <p>23 Prisons? In other words, is that something within the --</p> <p>24 that is run by the Bureau of Prisons, rather than by an</p> <p>25 outside contractor?</p>
<p style="text-align: right;">Page 6</p> <p>1 A. I am the warden at the Federal Correctional</p> <p>2 Institution at Edgefield, South Carolina.</p> <p>3 Q. And how long have you been the warden at</p> <p>4 Edgefield?</p> <p>5 A. Going on three years.</p> <p>6 Q. And prior to being the warden at Edgefield, what</p> <p>7 job did you have immediately before that?</p> <p>8 A. I was warden at FCI McKean, Pennsylvania.</p> <p>9 Q. And for how long were you warden at FCI McKean?</p> <p>10 A. June 2001 until January 2004.</p> <p>11 Q. And if you don't mind, take me back. What did you</p> <p>12 do before that; before FCI McKean?</p> <p>13 A. I was warden at FCI Elkton from August 1996 until</p> <p>14 June 2001. Prior to that, I was warden at FPC Seymour</p> <p>15 Johnson, January of 1995 until August 1996. Do you want me</p> <p>16 to continue to go back?</p> <p>17 Q. Yeah, a couple more, if you don't mind.</p> <p>18 A. Okay. August 1992 to January 1995 I was executive</p> <p>19 associate at FCI Buckner, North Carolina. June 1990 to</p> <p>20 August 1992, I was at -- a national conference administrator</p> <p>21 at our central office in Washington, D.C. January 1989 to</p> <p>22 June 1990, I was associate warden, FCI McKean, Pennsylvania.</p> <p>23 June 1986 to January 1989, I was inspector for the Office of</p> <p>24 Inspections, its central office in Washington, D.C.</p> <p>25 July 1985 to June 1986, I was executive assistant to the</p>	<p style="text-align: right;">Page 8</p> <p>1 A. It -- yes, it is.</p> <p>2 Q. At any of the other institutions that you have</p> <p>3 worked at or are presently working at, were there UNICOR</p> <p>4 facilities at those institutions?</p> <p>5 A. Yes.</p> <p>6 Q. Which institutions had UNICOR facilities?</p> <p>7 A. I believe every facility that I have worked at had</p> <p>8 UNICOR.</p> <p>9 Q. Okay. Now, am I correct that the UNICOR facility</p> <p>10 at FCI McKean was involved in the production of furniture?</p> <p>11 Is that right?</p> <p>12 A. It was involved in the production of segments,</p> <p>13 pieces that would be used for assembling in another factory</p> <p>14 of furniture, yes.</p> <p>15 Q. So, in other words, the UNICOR facility at FCI</p> <p>16 McKean did not manufacture final pieces of furniture, but,</p> <p>17 rather, component parts of that furniture that would later</p> <p>18 be assembled somewhere else. Is that right?</p> <p>19 A. That's my understanding, yes.</p> <p>20 Q. The other UNICOR facilities that were located at</p> <p>21 the other facilities in which you worked, did they have the</p> <p>22 same responsibility, or did they have other -- did they do</p> <p>23 other things?</p> <p>24 A. Other products.</p> <p>25 Q. What other types of products did the UNICOR</p>

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<p style="text-align: right;">Page 9</p> <p>1 facilities manufacture, other than the furniture or</p> <p>2 furniture components that were manufactured at McKean?</p> <p>3 A. Well, at FCI Edgefield, we have a textile factory</p> <p>4 here, which means we manufacture textile items, which may be</p> <p>5 military uniforms, to protective vests for the military,</p> <p>6 tarps, other such items as that.</p> <p>7 Q. Okay. As warden, where did you fall in the chain</p> <p>8 of command with respect to UNICOR?</p> <p>9 A. (No response.)</p> <p>10 Q. And let me --</p> <p>11 A. As I stated earlier --</p> <p>12 Q. Go ahead and answer the question. It may have</p> <p>13 been a bad question. But if you can answer it, go ahead.</p> <p>14 A. I was going to say, as I stated earlier, I'm</p> <p>15 responsible for the overall management and running of the</p> <p>16 institution. So as far as the UNICOR operation, I have</p> <p>17 oversight over it, as I do all functions of the institution.</p> <p>18 Q. Okay. So it's my understanding that at least for</p> <p>19 one period of time, Debora Forsyth was substantially</p> <p>20 involved, as superintendent of industries, in handling a lot</p> <p>21 of the day-to-day operations of UNICOR. Is that correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Would she answer directly to you, then?</p> <p>24 A. She would answer directly to me and also</p> <p>25 Washington, D.C.; the corporate leaders for UNICOR.</p>	<p style="text-align: right;">Page 11</p> <p>1 observing people cutting or shaping what might have appeared</p> <p>2 to be some type of board?</p> <p>3 A. To the best of my recollection, I recall going</p> <p>4 through the factory and observing inmates at several</p> <p>5 different work stations doing several different things.</p> <p>6 Some of it may have been, I believe, to the best of my</p> <p>7 recollection, probably cutting some boards, as well as</p> <p>8 packaging and all different types of different things</p> <p>9 that -- as you would, I guess, believe to see in a</p> <p>10 manufacturing setting.</p> <p>11 Q. Okay. The people that were working in the UNICOR</p> <p>12 facility, obviously, the inmates worked there. Is that</p> <p>13 correct?</p> <p>14 A. Inmates, as well as staff, yes.</p> <p>15 Q. Generally, what were the staff responsibilities in</p> <p>16 UNICOR?</p> <p>17 A. Depending upon their job, they would have</p> <p>18 different responsibilities.</p> <p>19 Q. What would be the range? I mean, what did --</p> <p>20 A. Well, as -- as you had mentioned previously,</p> <p>21 Miss Forsyth was the superintendent of industries, so she</p> <p>22 was directly responsible for UNICOR operations. You would</p> <p>23 have a factory -- factory manager who would be in charge of</p> <p>24 the production of the factory. And this would be on a daily</p> <p>25 basis. That's where their offices were located, and that's</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. How much involvement did you have in the</p> <p>2 day-to-day operations of UNICOR?</p> <p>3 A. Oh, I would -- I had oversight over it, as I did</p> <p>4 all other operations.</p> <p>5 Q. Okay. Were you physically there in the UNICOR</p> <p>6 portion of the prison -- let's say, were you physically</p> <p>7 there on a daily basis?</p> <p>8 A. No, not on a daily. I usually try to make a trip</p> <p>9 to visit each part of the institution on a weekly basis.</p> <p>10 Q. Okay. Are you aware, is the UNICOR facility at</p> <p>11 FCI McKean still operating? If you know.</p> <p>12 A. I don't know. I'm assuming it is, but I do not</p> <p>13 know.</p> <p>14 Q. As part of the manufacturing operations at UNICOR,</p> <p>15 am I correct that there would be the cutting and shaping of</p> <p>16 Micore board?</p> <p>17 A. I really don't have any direct knowledge of that.</p> <p>18 Q. Well, am I right that one of the things that they</p> <p>19 did at UNICOR was cut boards? Whatever the boards were made</p> <p>20 of, they cut some type of particle or wood-type board?</p> <p>21 A. I believe, to the best of my recollection. It</p> <p>22 was -- it's been several years since I've been there, but,</p> <p>23 yes, to the best of my recollection, I believe they did.</p> <p>24 Q. Okay. And, again, to the best of your</p> <p>25 recollection, on your weekly visits there, do you recall</p>	<p style="text-align: right;">Page 12</p> <p>1 where they spent almost 100 percent of their time while at</p> <p>2 the institution.</p> <p>3 Q. Was there anyone -- and maybe the best way to do</p> <p>4 this is to go down sort of the employment chain with you as</p> <p>5 the person with the ultimate oversight. Then my</p> <p>6 understanding is Ms. Forsyth, as the superintendent, was the</p> <p>7 next person in charge. Below her would be the factory</p> <p>8 manager? Is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. How about --</p> <p>11 A. And production.</p> <p>12 Q. Okay. And then how about below the factory</p> <p>13 manager? What other staff members would be there?</p> <p>14 A. Would be staff foremen, UNICOR foremen.</p> <p>15 Q. Are there any other staff members who would --</p> <p>16 whose jobs would be related to the UNICOR facility or who</p> <p>17 would work in the UNICOR facility?</p> <p>18 A. Well, there would be individuals that would be</p> <p>19 working in the business office, there would be a business</p> <p>20 manager, there would probably be a purchasing agent, an</p> <p>21 accountant, a warehouse person or shipping foreman, shipping</p> <p>22 the products in and out.</p> <p>23 Q. Of the staff members you have identified, from</p> <p>24 Ms. Forsyth all the way down to the folks you just</p> <p>25 mentioned, which of those individuals would be working on</p>

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<p style="text-align: right;">Page 13</p> <p>1 the actual manufacturing floor?</p> <p>2 A. Every single one of them at some point.</p> <p>3 Q. The inmates who worked at UNICOR, were they the</p> <p>4 people who would generally do a lot of the -- sort of</p> <p>5 hands-on work; the cutting of boards -- the various things</p> <p>6 that you said you saw that you would expect to see in a</p> <p>7 manufacturing facility? Was it the inmates who did that</p> <p>8 type of work?</p> <p>9 A. While being supervised by the staff members, yes.</p> <p>10 Q. In other words, for instance, if we were to just</p> <p>11 take a hypothetical piece of equipment, there would be an</p> <p>12 inmate or multiple inmates operating that piece of</p> <p>13 equipment, and they would be being supervised by some staff</p> <p>14 member; is that right?</p> <p>15 A. That's correct. It's also to train inmates, to</p> <p>16 prepare them for release, so they do possibly have a trade</p> <p>17 when they do go outside the institution.</p> <p>18 Q. The foremen, the staff members who served as</p> <p>19 foremen, what is their general job description? What did</p> <p>20 they do?</p> <p>21 A. Supervised the inmates in the production of the</p> <p>22 product in which they were manufacturing.</p> <p>23 Q. Would the foremen spend the majority of their time</p> <p>24 on the production floor?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 15</p> <p>1 to me at that particular time. And being so long ago, what</p> <p>2 I do recall, after receiving the complaint, OSHA came out,</p> <p>3 took samples, reviewed the operation, and everything came</p> <p>4 back that it was no problem.</p> <p>5 Q. Do you know who made the complaint to OSHA?</p> <p>6 A. I don't have any recollection. To the best of my</p> <p>7 recollection, I think that came from an inmate. But I don't</p> <p>8 remember who or what it was about.</p> <p>9 Q. Okay. Did you have any direct contact with OSHA</p> <p>10 either before, during, or after their investigation?</p> <p>11 A. I really don't have any recollection, but what is</p> <p>12 usually customary is usually when -- after someone comes to</p> <p>13 the institution and they provided a service or a test, they</p> <p>14 usually come to the warden's office to provide a report.</p> <p>15 But I don't have any direct recollection of that happening.</p> <p>16 Q. Okay. After you were made aware that OSHA had</p> <p>17 received a complaint, did you -- did you take any action</p> <p>18 after that?</p> <p>19 A. Well, as I stated, I don't have any recollection,</p> <p>20 other than what I just mentioned to you.</p> <p>21 Q. Okay.</p> <p>22 A. But what is -- what I normally do is my normal</p> <p>23 practice, if we receive any complaints at all, it's that I</p> <p>24 have it investigated immediately, and if there is any</p> <p>25 corrective action that needs to be taken, we initiate it</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. If the UNICOR facility required a capital</p> <p>2 expenditure, be it a piece of equipment, materials,</p> <p>3 supplies, would that be something that would go through you,</p> <p>4 or was that handled internally within UNICOR?</p> <p>5 A. A request would be sent through my office and then</p> <p>6 through corporate headquarters in Washington, D.C. for</p> <p>7 UNICOR corporate headquarters to make the approval of the</p> <p>8 request or denial.</p> <p>9 Q. Did you have any personal involvement in the</p> <p>10 decisions in the types of equipment, materials, or</p> <p>11 specifically safety equipment that would be used in the</p> <p>12 UNICOR facility?</p> <p>13 A. I don't believe I did at that particular facility,</p> <p>14 no.</p> <p>15 Q. Do you ever remember anyone, be it a staff member</p> <p>16 or an inmate, addressing the safety equipment that either</p> <p>17 was available at UNICOR or that they felt should be</p> <p>18 available at UNICOR with you personally?</p> <p>19 A. No. My only recollection is receiving a -- is a</p> <p>20 complaint about the air quality in UNICOR, and I believe</p> <p>21 that came to us through OSHA.</p> <p>22 Q. So you recall being contacted by someone from OSHA</p> <p>23 about a complaint that had been made to them?</p> <p>24 A. I don't -- I don't remember being personally</p> <p>25 contacted, but I remember someone bringing that information</p>	<p style="text-align: right;">Page 16</p> <p>1 right away.</p> <p>2 Q. Okay.</p> <p>3 A. And that's been my practice all my years while in</p> <p>4 the prison system.</p> <p>5 Q. With the understanding that you don't have a</p> <p>6 specific recollection of that -- and I appreciate you going</p> <p>7 based upon your practices, because that's what I want to ask</p> <p>8 you. Based upon that practice that you would have had</p> <p>9 someone -- or had an investigation done, who would you have</p> <p>10 spoken to about that, if you know or if, based upon your</p> <p>11 practices, you can determine who you think you would have</p> <p>12 spoken to?</p> <p>13 A. If it has something to do with the safety in the</p> <p>14 institution, I'm sure I would have spoken to the safety</p> <p>15 manager.</p> <p>16 Q. And do you recall who the safety manager was?</p> <p>17 (Discussion held off the record.)</p> <p>18 Q. Do you remember who the safety manager was at FCI</p> <p>19 McKean in 2001?</p> <p>20 A. To the best of my recollection, while I was at FCI</p> <p>21 McKean, I believe was Steve Housler, was the safety manager.</p> <p>22 Q. And you believe he was the safety manager there</p> <p>23 for your entire tenure at FCI McKean.</p> <p>24 A. To the best of my recollection, yes.</p> <p>25 Q. Warden, I'm going to ask you a couple of questions</p>

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1 about the UNICOR facility, its physical structure, with the
2 understanding that I know you were there on a weekly basis,
3 but that it was a while ago. So if you don't know the
4 answers to these, that's fine. But I just want to make sure
5 that I ask them, so that if you do know the answers, I can
6 get them.

7 Do you recall how many inmates would be working in
8 the UNICOR facility at any given time?

9 A. I don't recall. Not at this time. Not three
10 years later.

11 Q. How about the number of foremen? Do you know how
12 many foremen would be working at UNICOR at any given time?

13 A. I don't -- I don't specifically remember exactly
14 how many.

15 Q. Do you have any recollection of the type of
16 ventilation system that was used at the UNICOR facility?

17 A. I don't know. It's not my specialty area. I
18 don't know exactly what it is. But I do seem to have some
19 sort of recollection that it was -- was above and beyond
20 what was necessary for that type of operation that we were
21 performing at that facility.

22 Q. And upon what -- upon what do you base that? Why
23 do you think it was above and beyond what you needed?

24 A. I -- that just on my memory three years ago, I
25 think that was part of the report that came back to me from

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1 A. No, I do not recall. And as I mentioned, I made
2 weekly trips down to UNICOR, and I never wore a mask or
3 anything or had any sort of anything on my clothing after
4 leaving. As I am dressed today is how I would dress then,
5 and never had any issues.

6 Q. The physical layout of the UNICOR facility, when
7 you would do your weekly walk-throughs, was there a
8 discernible production floor where the equipment would be
9 located?

10 A. The equipment was located throughout the entire
11 production floor.

12 Q. Was it a one-floor facility, or were there
13 multiple floors in the UNICOR facility?

14 A. The production was one floor, and they had a
15 little raised area which was for the business office, the
16 accounting, and purchasing section. But all production was
17 on one level.

18 Q. When you would do your weekly walk-through, what
19 areas of the UNICOR facility would you walk through?

20 A. The entire facility. The entire area.

21 Q. Do you know if the UNICOR facility had any
22 production quotas?

23 A. I am not familiar with what their production
24 quotas were, but I'm sure all factories have production
25 quotas.

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1 the safety manager. However he determined that, the
2 determination was made; that it exceeded whatever the
3 requirements were for that type of operation.

4 Q. Okay. So I make sure I understand that, you
5 believe that the safety manager -- and that would have been
6 Steven Housler -- reported to you that the ventilation
7 system exceeded whatever the requirements would be for a
8 facility like UNICOR's.

9 A. To the best of my recollection, yes.

10 Q. Other than the OSHA complaint that you've already
11 told me about, did you ever receive any other complaints or
12 comments regarding the ventilation system at the UNICOR
13 facility?

14 A. I don't have any recollection, but that's not to
15 say I hadn't. When you're in a correctional institution,
16 you receive many, many complaints.

17 Q. That's fair enough. Do you have any recollection
18 of there being any problems with the ventilation system;
19 either a malfunction of it or problems when it would go
20 down?

21 A. No, I do not.

22 Q. Do you have any recollection during your visits to
23 the UNICOR facility whether there was any dust around the
24 area, either on the ground or in the air or built up on the
25 machines?

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1 Q. What type of safety training, in general, was
2 provided to the employees of FCI McKean? Was there -- and I
3 know there are a lot of different types of employees in a
4 federal prison. But was there a general safety training
5 protocol or -- be it annual or some type of regular safety
6 training that all employees had to go through?

7 A. Well, there's annual training, annual refresher
8 training that all employees have to go through, at McKean as
9 well as the rest of the Bureau of Prisons. And there was
10 also additional safety training that was provided by the
11 safety manager to all employees of UNICOR, as well as other
12 areas throughout the institution.

13 Q. That annual training, would the type of training
14 that the individual got depend upon the job that they had?

15 A. Annual refresher training was broad training for
16 everyone throughout the facility; all staff. And then the
17 specific training would be -- would be more individualized
18 to that particular area that the safety manager would
19 provide, as well as providing daily oversights of the entire
20 operation of the facility on a daily basis.

21 Q. What types of things would you go over on the
22 annual training, the broad training?

23 A. Well, the safety manager would -- would -- would
24 provide the training, the safety training. Not myself, if
25 that's what you're implying.

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1 Q. No. And that's -- and I didn't mean to imply
2 that. But are you aware of what would be gone over during
3 that training; what the safety manager would go over?

4 A. Safe practices, what to do, what not to do, CPR,
5 safety data sheets that are located in all areas of the
6 institution, how to use cleaning supplies, what not to use,
7 how to use certain tools, what to do, not to do, and items
8 such as that.

9 Q. You had mentioned safety data sheets. Was there a
10 central repository for all safety data sheets at FCI McKean?

11 A. I don't know if there was a central. I would
12 assume there was, but I know they are all located by
13 wherever the particular operation was; that they were
14 located at that area.

15 Q. You also indicated there would be additional
16 safety training that would be more specialized. How was
17 that arranged for?

18 A. Normally, the department heads would notify the
19 safety manager. The safety manager would come down to the
20 departments. Or making his regular rounds, if he saw
21 something he thought needed a little more explaining, he
22 would provide that training.

23 Q. Were you involved in the hiring of individuals
24 for -- to work in the UNICOR facility?

25 A. Are you speaking of staff, or are you speaking of

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1 is during the serving of the noon meal. Or if I work
2 evening, I stand main line at the serving of the evening
3 meal. At that time myself, as well as all the department
4 heads are present. If the inmates have any issues, they are
5 free to approach us to address any issues, and 99 percent of
6 the time we are able to resolve it at that particular time.

7 Q. While -- and you did that at FCI McKean; is that
8 right?

9 A. That's correct.

10 Q. During that, did you ever receive any questions or
11 complaints from inmates regarding the UNICOR facility, that
12 you can recall?

13 A. Not that I can recall, no.

14 Q. If an inmate had a complaint, you've just
15 described for me one way they could bring it to your
16 attention, which is through main line. They also could
17 submit certain requests for what we refer to as
18 administrative remedies, but I believe our BP-9, 10, and 11
19 forms. Is that right?

20 A. That's correct.

21 Q. At some point in that process, if the complaint is
22 not resolved early enough on, do those eventually come to
23 your office or land on your desk?

24 A. In administrative remedies, yes, they would
25 eventually wind up on my desk.

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1 inmates?

2 Q. Staff. I'm sorry. Staff.

3 A. I normally would be, but I don't -- I don't have
4 any recollection of hiring any staff for that particular
5 UNICOR operation while there.

6 Q. Your answer to that question brought up another
7 one. The employees -- rather, the inmates who worked in
8 UNICOR, they were paid for what they did; is that correct?

9 A. That is correct.

10 Q. We have heard testimony earlier in this case
11 regarding something called an open house. Does that term
12 have any -- is that a term with which you are familiar
13 related to serving as warden at FCI McKean?

14 A. Well, I believe with -- when an open house is
15 referred to in a prison setting, it's usually when a
16 department opens itself up for inmates to come and ask
17 questions.

18 Q. I believe one of the Plaintiffs in this case
19 testified that you would hold an open house at some regular
20 interval during a meal time in which inmates could actually
21 come and ask you questions or express concerns. Is that
22 right?

23 A. No, I never held an open house. An open house is
24 what we refer to at the particular department. What I have
25 done, and what I continue to do is I stand main line, which

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1 Q. And we have all the documentation related to the
2 administrative remedies that the various Plaintiffs here
3 filed, so I'm not asking -- and, you know, I don't need to
4 go through those with you. But what I'd like to know is if
5 you have any specific recollection -- understanding that you
6 haven't reviewed those documents, but any specific
7 recollection up through the administrative remedy process
8 being made aware of any complaints or concerns regarding the
9 UNICOR facility.

10 A. As I mentioned before, my only recollection,
11 without reviewing the documents, was that we received a
12 complaint about the air quality of UNICOR, and I believe
13 that was from OSHA. And they came in, investigated, and
14 their finding was that it was fine; air quality -- there was
15 no problem with the air quality. And as I mentioned
16 previously, I made weekly rounds before that inspection and
17 after that inspection. Myself personally.

18 Q. Do you know if there were any changes made to the
19 UNICOR facility as a result of that inspection?

20 A. I don't believe there was any changes made as far
21 as the -- the air quality or air flow at the -- at the
22 system. Without -- without reviewing the document, it's
23 hard for me to say. But usually when OSHA comes in, even if
24 they don't find a problem with what they are coming in and
25 looking at, they usually make recommendations in other areas

6 (Pages 21 to 24)

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1 of the facility.

2 Q. Okay. During your weekly walk-throughs at the
3 UNICOR facility, what type of safety equipment would the
4 inmates be wearing?

5 A. Safety glasses is what I would see most of the
6 time. Safety shoes. Gloves in certain areas. And I
7 believe some may have had masks on their faces.

8 Q. With respect to the masks, were they sort of the
9 smaller -- what I refer to as a dust mask, or were they the
10 larger type of respirators that you see that appear to have
11 carbon filters and those types of things? If you recall.

12 A. I really don't recall. I really don't recall.
13 But like I said, when I walked through the factory, I wore
14 no mask at all.

15 Q. How much time would you spend at the factory when
16 you were on that walk-through?

17 A. I would say approximately 30 minutes or so.

18 Q. Okay. If an employee was hired into the UNICOR
19 facility to work there, do you know what type of training
20 they would be given prior to beginning their job?

21 A. Are you speaking of staff or are you speaking of
22 inmates?

23 Q. No, inmates.

24 A. My understanding is they are provided whatever
25 their required training was for that particular area. I

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1 talking about the same individual -- and I think we are --
2 if at any point Mr. Bevevino went on disability while you
3 were a warden at FCI McKean?

4 A. I don't have any recollection of that. Don't
5 remember exactly. But being my memory that he was gone
6 quite a bit for different physical reasons, it is quite
7 possible. But I don't have any direct recollection at this
8 time.

9 Q. Do you ever recall Mr. Bevevino ever bringing to
10 you any concerns or questions or having any conversation
11 with him regarding the UNICOR facility?

12 A. Any concerns being -- as problems?

13 Q. Well, anything. Did he ever talk to you at all
14 about the UNICOR facility?

15 A. I don't have any recollection, but it's hard for
16 me to believe that -- you know, I go around and I meet with
17 all employees and I speak with all of them. So I would ask
18 him, you know, how are you doing, how's your job, things
19 like that, but I don't have any other than that specific
20 recollection of anything that was mentioned. Does that
21 answer your question?

22 Q. It does. And I just wanted -- understanding that,
23 you know, I'm sure during your walk-throughs you talk to
24 folks and that type of thing. I just wanted to get whether
25 you have a specific recollection of Mr. Bevevino ever

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1 don't have any specific knowledge exactly what that type of
2 training would be for that particular factory, though.

3 Q. Okay. And, obviously, you wouldn't be personally
4 involved in that training, correct?

5 A. That's correct.

6 Q. Do you know if the UNICOR facility at FCI McKean
7 was outfitted with or had any type of air monitoring
8 equipment?

9 A. I -- I really don't know.

10 Q. That's fair enough.

11 A. Would have no knowledge.

12 Q. Do you remember a foreman by the name of Rob
13 Bevevino, who I believe worked at the UNICOR facility while
14 you were warden?

15 A. I believe I had an individual by the name of Robin
16 Bevevino. And if it's the individual I am thinking of, I
17 don't think he was at work a lot of the time I was there. I
18 think he was off for miscellaneous different reasons there.

19 Q. When you say "miscellaneous different reasons",
20 what type of reasons?

21 A. I really don't remember exactly right, but I just
22 remember that it was either injured -- injured arms or foot
23 or something, and different issues that he was away quite a
24 bit of the time. If it's the individual I'm thinking of.

25 Q. Do you know if at any point, assuming we're

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1 talking to you about the UNICOR facility. And my
2 understanding is you don't have a specific recollection of
3 it, but based upon your practices, you assume you probably
4 talked to him at some point.

5 A. Right. And -- and general issues; you know, how
6 is everything going. And I'm sure his response would have
7 been fine. If not, then I probably would have a
8 recollection of our conversation.

9 Q. Okay. Shifting gears a little bit here, I'd like
10 to talk to you a little bit about the dental care provided
11 to inmates, and just a couple of questions on this point.

12 Do you recall during your tenure at FCI McKean
13 whether any requests ever came to you for
14 out-of-the-ordinary or accessory dental treatment? And
15 those requests likely would have come from the -- I would
16 imagine, from the chief dental officer.

17 A. I don't think I really understand your question.

18 Q. Okay. Well, are you aware -- well, let me back up
19 and ask some foundational questions. Inmates at FCI McKean
20 are provided with both medical and dental care; is that
21 correct?

22 A. Yes, that is correct.

23 Q. Okay. Do you know if with -- specifically with
24 respect to the dental care, if there are limits on the types
25 of routine care that an inmate can get? For example, while

7 (Pages 25 to 28)

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1 an inmate may be allowed to go and have their teeth cleaned
 2 and have cavities filled, the policies do not provide for
 3 porcelain veneers or certain types of orthodontic care. Is
 4 that consistent with your understanding of the dental
 5 services provided at FCI McKean?

6 A. Yes, it is.

7 Q. Okay. And I believe -- and just take this as
 8 true, and if it ends up not being true, then the foundation
 9 of the question is off. But if you take it as true that
 10 under the policies there are certain types of accessory
 11 dental care or dental treatments that can be requested, but
 12 if they are, they have to be requested through a process
 13 involving you, if that is correct, that's where my question
 14 is getting at. I'm trying to get at if you ever recall
 15 having a request be made of you that some inmate may be
 16 allowed to get some type of accessory dental care.

17 A. My recollection is they -- that what I would deal
 18 with, the type of dental treatment at the facility, would be
 19 fillings, extraction, would be cleaning, and dentures. That
 20 is my recollection of dental care.

21 Q. Do you ever have any recollection of the chief
 22 dental officer coming to you or submitting any paperwork to
 23 you requesting out-of-the-ordinary care; something other
 24 than the types of stuff you just described?

25 A. No, I have no recollection of that.

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1 Q. When you were walking through the UNICOR facility,
 2 did you ever see any of the inmates blowing themselves off
 3 with the pneumatic equipment?

4 A. No, I have not.

5 Q. And, sir, finally, did you review any documents in
 6 preparation for this deposition?

7 A. What I did review is a list of the places that I
 8 have been previously (indicating), and I had some documents
 9 over here as far as -- I briefly looked at, I guess, the
 10 administrative remedies that were filed in this particular
 11 case. But I did look at them maybe -- maybe 20 minutes
 12 before we started here. So I just did a cursory review.

13 MR. DEVLIN: Sir, those are all the questions I
 14 have. Mr. Colville or Mr. Goldring may have some
 15 for you.

16 (Discussion held off the record.)

17 MR. COLVILLE: We have no questions. Thank you.
 18 We'll waive.

19 MR. DEVLIN: Thank you very much, Warden. I
 20 appreciate the time.

21 THE WITNESS: You're welcome.

22

23 (Deposition concluded at 1:48 p.m.)

24

25

8 (Pages 29 to 30)

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